

United States District Court
Southern District of Texas
(5/00) FILED

TDH

OCT 26 2005

Michael N. Milby, Clerk

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

United States District Court
Southern District of Texas
ENTERED

OCT 28 2005

Michael N. Milby, Clerk
Laredo Division

Petition for Warrant or Summons for Offender under Supervision

Name of Offender: Filiberto Rodriguez Jr. Case Number: 5:04CR02241-001

Name of Sentencing Judge: The Honorable Helen G. Berrigan
Chief U.S. District Judge

Date of Original Sentence: May 18, 2005

Original Offense: Transporting an undocumented alien within the United States for private financial gain. 8 U.S.C. § 1324(a)(1)(B)(i)

Original Sentence: Eight (8) months custody followed by three years of supervised release. The defendant was ordered to pay a \$100 assessment fee and perform 100 hours of community service within the first two years of supervised release.

Type of Supervision: Supervised Release Date Supervision Commenced: June 6, 2005

Assistant U.S. Attorney: Rob Jones Defense Attorney: Marco Montemayor, AFPD

EARLIER COURT ACTION

On or about July 21, 2005, a request to modify the defendant's conditions was submitted to the Court informing Your Honor that the defendant admitted to using cocaine. An on-site drug test was administered at the U.S. Probation Office and the results were negative. Your Honor concurred and modified the defendant's conditions to include drug/alcohol treatment.

On August 2, 2005, a report recommending no action was submitted to the Court. The defendant tested positive for cocaine during his initial appointment at the South Texas Council on Alcohol and Drug Abuse Program. This officer recommended no action be taken because of the defendant's referral to a outpatient drug treatment program. Your Honor concurred.

On September 9, 2005, a request to modify the defendant's conditions to include community confinement for ninety days was submitted to the Court. The defendant tested positive for cocaine on two occasions. Your Honor concurred.

Filiberto Rodriguez Jr.
5:04CR02241-001
Pg. No. 2

PETITIONING THE COURT

TO ISSUE A WARRANT for the defendant located Laredo, Texas.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 Failure to participate in community confinement center as directed

Details: On October 15, 2005, the defendant failed to participate in a community confinement center as directed by absconding from Dismas Charities of Laredo, Texas.

On October 15, 2005, Mr. Rodriguez was given a pass to the bank to cash his employment check. He was required to return to the center at 3:15 p.m. but failed to do so. Attempts to locate the defendant were unsuccessful. Mr. Rodriguez was placed on absconder status on October 15, 2005, at 6:30 p.m. Further, on the same day, the defendant called at 8:27 p.m. and requested to return to the center. His request was denied and instructed to report to the U.S. Probation Office on October 17, 2005. Mr. Rodriguez failed to report as instructed.

U.S. Probation Officer Recommendation: the issuance of a supervised release violator's warrant to assure his presence at a revocation hearing to show cause why his supervised release should not be revoked; and no bond be set. It is further recommended that the terms of supervised release be tolled effective the date of the warrant.

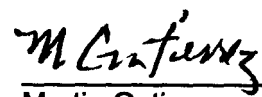
- ☒ The term of supervision should be
 ☒ revoked.
 ☐ extended for years, for a total term of years.
- ☐ The conditions of supervision should be modified:

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:

Respectfully submitted:


Peter Medellin, Supervising
U.S. Probation Officer

by 
Martin Gutierrez
U.S. Probation Officer
October 17, 2005

Filiberto Rodriguez Jr.
5:04CR02241-001
Pg. No. 3

THE COURT ORDERS:

- [] The Issuance of a Warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond. It is further ordered that the terms of supervised release be tolled effective the date of the warrant.
- [X] The Issuance of a Warrant, and No Bond. It is further ordered that the terms of supervised release be tolled effective the date of the warrant.
- [] Other _____

U.S. MARSHAL'S OFFICE

BY: [Signature] BUSH

DATE: 10/28/05

TIME: 1431 HRS

[Signature]
Micaela Alvarez
U.S. District Judge

Oct 26 2005
Date